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Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARK MOSS, an individual;

Plaintiff,

v.

GIGA WATT, INC., a Washington
corporation; and GIGA WATT, PTE,
LTD., a foreign corporation;

Defendants.

RAYMOND BALESTRA, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

GIGA WATT, INC., GIGA WATT,
PTE, LTD., CRYPTONOMOS PTE.
LTD., and DAVE CARLSON,

Defendants.

CASE NOS.: 2:18-cv-00100-SMJ
2:18-cv-00103-SMJ

**STIPULATION TO
CONSOLIDATE ACTIONS
UNDER FED. R. CIV. P. 42(a)**

CLASS ACTION

1 All parties to the two above-captioned actions, through their respective
2 counsel of record, submit the following Stipulation To Consolidate Actions Under
3 Fed. R. Civ. P. 42(a), and ask the Court to enter an order consistent with this
4 Stipulation.

5 WHEREAS, on March 19, 2018, plaintiff Mark Moss filed Case No. 2:18-
6 cv-00100 against defendants Giga Watt, Inc. and GigaWatt Pte. Ltd. (the “*Moss*
7 Action”). And the following day, on March 20, 2018, plaintiff Raymond Balestra,
8 individually and on behalf of all others similarly situated, filed Case No. 2:18-cv-
9 00103 against the same defendants as well as Cryptonomos Pte. Ltd. and Dave
10 Carlson (the “*Balestra* Action”);

11 WHEREAS, the *Moss* Action and *Balestra* Action share numerous common
12 questions of law and fact, and both actions are currently pending before this Court;

13 WHEREAS, defendants in the *Moss* Action have until July 2, 2018 to file a
14 responsive pleading in that action;

15 WHEREAS, on June 28, 2018, this Court appointed Silver Miller, counsel
16 for plaintiff in the *Moss* Action, as co-lead counsel for the proposed class in the
17 *Balestra* Action;

18 WHEREAS, this Court has ordered that defendants in the *Balestra* Action
19 need not file a responsive pleading in that action until 45 days after lead plaintiff in
20 the *Balestra* Action has filed and served a consolidated complaint, or designated an
21 operative complaint in that action;

22 WHEREAS, the parties agree that requiring defendants to respond
23 separately to the complaint in the *Moss* Action and the complaint to be deemed

operative by the lead plaintiff in the *Balestra* Action would be duplicative and wasteful;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the respective parties hereto, that:

(1) The two above-captioned actions be consolidated for all purposes, including pre-trial proceedings and trial, with the *Balestra* Action serving as the lead case; and

(2) Defendants need not file any responsive pleading in the consolidated action until 45 days after lead plaintiff in the *Balestra* Action, once appointed, has filed and served a consolidated complaint, or designated an operative complaint in that action.

Together with this Stipulation, the parties respectfully submit a proposed order to the above effect.

Dated: July 2, 2018

By: /s/ Barry M. Kaplan

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*Attorneys for all defendants in the Moss and
Balestra Actions*

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12 *Attorneys for plaintiff Mark Moss in the Moss Action*

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23 *Action, and Co-Lead Counsel in the Balestra Action*

24 By: /s/ Roger Townsend

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7 *Liaison and Co-Lead Counsel, respectively, in the*
8 *Balestra Action*
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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Roger M. Townsend rtownsend@bjtlegal.com

Barry M. Kaplan bkaplan@wsgr.com, rcarter@wsgr.com

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I certify that I served the foregoing by email to the following:

Donald J. Enright denright@zlk.com

/s/ Barry M. Kaplan
Barry M. Kaplan, WSBA #8661